THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6953 of 2007

Date: 12.04.2007

Between:

Altaf Hussain.

....Petitioner

And

A.P.State Wakf Board and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The petitioner states that he is the owner of premises, which is part of hillock, on which the second respondent-Dargah is situated. His grievance is that at the instance of the 4th respondent, he has been evicted by the second respondent, through panchanama, dated 31.03.2007. The petitioner contends that even assuming that the Wakf had any right over any property, it is under obligation to issue notice or to institute proceedings under the Wakf Act.

Heard the learned counsel for the petitioner, learned Standing Counsel for respondents 1 and 2, learned Government Pleader for Revenue and Sri O.Manohar Reddy, the learned counsel for respondent No.4.

In relation to various items of the services and properties of the second respondent-Dargah, an auction was conducted on 04.10.2006 and the 4th respondent

became the highest bidder. An eventual contract was awarded to him on 17.03.2007. Though the petitioner asserts that he is the owner of the premises, in which he is running the Hotel; on behalf of respondents, it is stated that the place belongs to the second respondent and the brother of the petitioner was granted sub-lease for a period of one year, to run the hotel. It is stated that the sub-lease had expired, with the termination of lease in favour of the previous contractor.

In case, the petitioner asserts that the property belongs to him, he has to institute a Civil Suit in a competent Court of law. This Court cannot undertake adjudication into title disputes, in a Writ Petition filed under Article 226 of the Constitution of India.

Hence, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies in a civil Court. There shall be no order as to costs.

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12.04.2007

JSU